

## REGISTER OF CLASSIFICATION DECISIONS

Date of entry in Register: 22 May 2001  
Name of applicant/court: Comptroller of Customs  
Applicant to the Labelling Body: Not Applicable  
Title of Publication: Pirate 64  
Other Known Titles: Pirate #64  
Director: Not Applicable  
Producer: Not Applicable  
Publisher: Milcap Publishing Group AB  
Author: Not Applicable  
Format: Magazine  
Country of Origin: Spain  
Languages: English, German, French, Swedish, Italian, Spanish

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**Components of film originally examined:** Not Applicable.

Feature: Running time:  
Trailers: Running time:  
Total Running time:

Excision/Alteration: Not Applicable.

Reason(s) for Excision:

Not Applicable.

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Classification Decision:

Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.

Display Conditions:

**Either**

That when the publication is on public display, the classification given to the publication must be shown on the publication or any package in which the publication is kept  
and

That the publication must be publicly displayed only in a sealed package

And

That where the publication is publicly displayed in a package, the package must be made of opaque material.

**Or**

That when the publication is on public display, the classification given to the publication must be shown on the publication or any package in which the publication is kept  
and

That the publication must be publicly displayed only in a sealed package

and

That the publication must be displayed only in premises, or a part of premises, set aside for the public display of restricted publications (whether or not articles other than restricted publications are also displayed in those premises or that part of those premises).

Descriptive Note:

Not Applicable.

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Direction to issue a label has been given on: Not Applicable.

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## **SUMMARY OF THE REASONS FOR DECISION:**

The magazine entitled *Pirate 64* is classified as:

Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.

The classification is due to the magazine's treatment of matters of sex. The full colour pictorial magazine of 124 pages (including the covers) explicitly depicts adult male and female sexual activity. The magazine mainly consists of photographs in four pictorial items with one or two women as the main subjects. One item has a single paragraph, in six European languages including English, to provide some context for the depicted activities. "Fetish" themes run throughout the magazine. Fetishised clothing, roles and/or settings feature in each pictorial. Other content includes a three page foldout depicting women included in the magazine, advertisements for telephone sex lines, sexual merchandise, and explicit sex magazines, videos and DVDs.

Participants all present as adults and their activities as consensual. One item ambiguously suggests the use of coercion in association with sexual conduct, however this is one of several readings of the images. The ambiguity of the characters' interactions is given greatest weighting.

The magazine presents females in particular in a moderately degrading manner, and includes depictions of moderately degrading and dehumanising sexual conduct. Degrading and dehumanising close-ups are a sufficiently minor proportion of the magazine as to be mitigated by the predominance of full-scene and full-body shots.

Consideration has been given to the relevant provisions of the New Zealand Bill of Rights Act 1990 as they relate to this publication. Given the sustained, explicit sexual content and the purpose for which it is intended to be used, the restriction on the availability of the publication is considered to be reasonable and demonstrably justifiable.

OFLC Ref: 100235